

| PRE-APPEAL BRIEF REQUEST FOR REVIEW | | Docket Number (Optional) 50325-0805 | |
|--|--|---|-------------------------------|
| <p>Pursuant to 37 CFR 1.8(a)(1)(ii) I hereby certify that this correspondence is being transmitted to the United States Patent and Trademark Office via the electronic filing system in accordance with 37 CFR §§1.6(1)(4) and 1.8(a)(1)(i)(C) on the date indicated below and before 9:00 PM PST.</p> <p>on _____</p> <p>Signature / _____</p> <p>Typed or printed name _____</p> | | <p>Application Number 10/698,498</p> | <p>Filed 10/30/2003</p> |
| | | <p>First Named Inventor Sanjay Aiyagari</p> | |
| | | <p>Art Unit 2169</p> | <p>Examiner Kim, Paul</p> |
| <p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> | | | |
| <p>This request is being filed with a notice of appeal. X</p> | | | |
| <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided. X</p> | | | |
| <p>I am the</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>57,181</u></p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</p> | | <p><u>/DanielDLedesma#57181/</u> Signature</p> <p><u>Daniel D. Ledesma</u> Typed or printed name</p> <p><u>(408) 414-1080</u> Telephone number</p> <p><u>November 10, 2009</u> Date</p> | |
| <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p> | | | |

☒ *Total of 1 forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Sanjay Aiyagari, et al.

Confirmation No.: 9591

Serial No.: 10/698,498

Group Art Unit No.: 2161

Filed: October 30, 2003

Examiner: Paul Kim

For: **ROLE-BASED ACCESS CONTROL ENFORCED BY FILESYSTEM OF AN
OPERATING SYSTEM**

Via EFS-Web
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

ATTACHMENT TO PRE-APPEAL BRIEF CONFERENCE REQUEST FOR REVIEW

Sir:

Applicants request withdrawal of the final Office Action and allowance of the claims based on clear factual error in the rejection of Claims 1 and 10 under 35 U.S.C. § 103(a). Multiple features of Claims 1 and 10 are absent in the cited references, *Idicula*, *Deinhart*, and *Jensenworth*. These features are absent because (1) neither *Idicula* nor *Jensenworth* are related to role-based access control (RBAC) and (2) *Deinhart* teaches the prior art way of enforcing RBAC, using a system that is separate from an operating system. Therefore, it is unsurprising that even if one could combine *Idicula*, *Deinhart*, and *Jensenworth*, such a combination would still fail to teach or suggest the novel and non-obvious approach of Claim 1, where an operating system is used to enforce RBAC.

1. Idicula fails to teach or suggest the recited access identifier

The Final Office Action cites col. 4, lines 42-56 in *Idicula* for allegedly disclosing “creating an access identifier based on the user-identifying information and the resource identifier, wherein the access identifier is formatted as a file attribute that is used by the Operating System to manage file access” as recited in Claim 1. This is incorrect. That portion merely states that a database server maintains different data structures in memory, such as session objects 122,

session objects 122, process state objects 130, and a session pool object 140. In the claims, the recited access identifier is created based on user-identifying information and a resource identifier, but the cited portion of *Idicula* fails to refer to *any* identifiers. Furthermore, this step of Claim 1 recites that the access identifier is formatted as a file attribute that is used by an Operating System to manage file access. This cited portion of *Idicula* fails to mention anything remotely related to (a) how an identifier is formatted and (b) an Operating System.

In the “Response to Arguments” section, the Final Office Action cites col. 7, lines 57-65 of *Idicula* for allegedly disclosing “a method step where the session object is associate[d] with the client in the process state object.” This response fails to address any of the claim features or Applicants’ arguments above.

The Final Office Action also cites (“Response to Arguments” section, page 11) col. 5, lines 9-18 of *Idicula* for disclosing “Type I” information, which is “user information that indicates a user of the associated connection, the user’s roles, and the user’s privileges.” The Final Office Action specifically equates *Idicula*’s Type I information with the recited access identifier of Claim 1. If this were so, then Type I information would have to be (according to Claim 1) (1) created based on a database session object of *Idicula* (i.e., the alleged resource identifier), (2) formatted as a file attribute, and (3) used by the OS to manage file access. However, *Idicula*’s Type I information does not satisfy any of these criteria. For example, it is clear that Type I information predates a database session object, which is only a temporary object that is relevant only for the duration of a database session. Thus, Type I information is **not** created based on a database session.

In response to Applicants’ argument that the Type I information (i.e., the alleged access identifier) is not formatted as a file attribute, the Final Office Action asserts that because *Idicula* states that each database session object includes Type I and II information, this somehow means that “it would have been obvious...that said information would constitute a file attribute.” But *Idicula* mentions nothing about file attributes. *Idicula* primarily describes maintaining database session objects in memory of a database server. *Idicula* does mention that files may be stored in a repository within a database. However, *Idicula* is silent with respect to how the Type I and II information is formatted. It is unsurprising, then, that Type I and II information, which is included in a database session object, cannot be considered a file attribute.

2. *Idicula fails to teach or suggest calling an Operating System to perform a file operation on a file*

The Office Action cites col. 1, lines 52-62 and col. 7, lines 19-30 of *Idicula* for allegedly disclosing “calling the Operating System to perform a file operation on the file, wherein calling the Operating System includes providing the access identifier to the Operating System” as recited in Claim 1. This is incorrect. Nowhere does *Idicula* teach or suggest that an **operating system** is **called in the manner recited**. The **only** portion of *Idicula* that refers to an operating system is the following:

A session is a related series of one or more requests for services made over a communication channel. The channel is typically established by the operating system of the host for the database server and that persists for one or more communications from the client, depending on the communications protocol used by the client.

(Emphasis added.) Thus, the **only** function the operating system of *Idicula* performs is the establishing of a communication channel between a database client and a database server. However, the operating system in *Idicula* is not called to perform a file operation. Therefore, *Idicula* necessarily fails to teach or suggest that calling an Operating System includes providing Type I and II information (i.e., the alleged access identifier) to the Operating System.

In the “Response to Arguments” section, the Final Office Action again cites col. 1, lines 52-62 of *Idicula* for disclosing that a “channel is typically established by the operating system.” That passage only describes one function that an operating system performs, and that function is not related to calling an OS to perform a file operation on a file, nor does that function involve providing an access identifier to the OS.

In the “Response to Arguments” section, the Final Office Action also cites col. 4, lines 42-65 of *Jensenworth* for disclosing “an invention wherein a Windows NT operating system is used to access files, shared memory and physical devices which are represented by objects.” However, this citation of *Jensenworth* fails to teach or suggest providing anything similar to the recited access identifier to an Operating System, as Claim 1 recites.

3. *Idicula fails to teach or suggest granting a user access to the resource only when the Operating System call successfully performs a file operation*

The Final Office Action cites col. 7, lines 20-21 of *Idicula* for allegedly disclosing “granting the user access to the resource only when the Operating System call successfully

performs the file operation” as recited in Claim 1. This is incorrect. As indicated above, the **only mention** of an operating system in *Idicula* is regarding the establishment of a communication channel between a database client and a database server. The single mention of *Idicula*’s operating system is in **no way related to the granting of access to a resource**. Therefore, *Idicula* fails to teach or suggest this step of Claim 1.

In the “Response to Arguments” section, the Final Office Action disagrees with the above arguments and then asserts:

Wherein a client computer attempts to establish a connection with a database for database services, the database server creates and accesses the session object to determine whether a client user is to be granted access to the database.

(Emphasis added.) This statement implies that a database server accesses a session object to determine whether a client user is to be granted access to a database. However, there is no support in *Idicula* for this assertion. A database server might create a session object in response to a client’s attempt to establish a connection with the database. But the determination by a database server of whether to allow a client to establish a connection with a database does **not** involve accessing a database session object.

The Final Office Action fails to state what in *Idicula* corresponds to the recited resource of Claim 1. For this reason alone, the Final Office Action fails to state a *prima facie* case of unpatentability. On page 10 of the “Response to Arguments” section, the Final Office Action equates (1) the database session object of *Idicula* with the recited resource identifier of Claim 1 and (2) an object in *Idicula* with the recited resource of Claim 1. However, the Final Office Action fails to identify any particular object in *Idicula* that could be the resource. At times, the Final Office Action appears to equate the database of *Idicula* with the recited resource. However, it does **not** follow that *Idicula*’s system grants access to database (i.e., establish a session) only when an Operating System call successfully performs a file operation.

4. *The Final Office Action fails to state a prima facie case of obviousness*

On page 4, the Final Office Action asserts that it would have been obvious to combine *Idicula* and *Deinhart* without providing an articulation of any reason for doing so. This is insufficient; “there must be some **articulated reasoning** with some **rational** underpinning to support the legal conclusion of obviousness.” *KSR v. Teleflex, Inc.*, slip op. at 14 (2007); *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006). MPEP § 2143 provides example rationales, but the

Final Office Action fails to use any of the example rationales when combining *Idicula* and *Deinhart*.

CONCLUSION

Applicants request that the rejections of all the pending claims be reversed.

Respectfully submitted,

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